

Appln. No. 10/529,990

Attorney Docket No. 10808-228

**II. Remarks**

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested. Claims 1-11 and 19 remain pending. Claims 12-18 have been withdrawn.

***Claim Rejections - 35 U.S.C. §102(b)***

Claims 1-9, 11 and 19 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,160,269 to Takemura et al. (Takemura).

The examiner bears the burden of providing a *prima facie* case of anticipation. MPEP §2131 provides, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. C. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claim 1 recites "that a channel region is the active region" and "that a plurality of control electrodes is arranged at mutually opposite sides of the web". Further, claim 1 refers to "a connecting region electrically connecting the control electrodes, the connecting region being isolated from the channel region by a thick insulating region". In addition, claim 1 recites that "the control electrodes contain the same material as the electrode region remote from the insulating region". The noted features of claim 1 have not been addressed by the examiner and at least each of these features remain missing from the Takemura reference. Therefore, the examiner has not met his burden of identifying each and every



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element of claim 1 to show anticipation under 35 U.S.C. §102(b). Accordingly, applicants respectfully request withdrawal of the rejections under 35 U.S.C. §102.

Claims 2-11, and 19 depend from claim 1 and are, therefore, patentable for at least the same reasons as given above in support of claim 1.

*Claim Rejections - 35 U.S.C. §103(a)*

Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,160,269 to Takemura et al. (Takemura).

Claim 10 depends from claim 1 and is, therefore, patentable for at least the same reasons as given above in support of claim 1. Accordingly, applicants respectfully request withdrawal of the rejections under 35 U.S.C. §103.

*Conclusion*

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of

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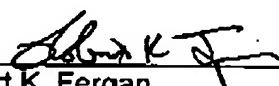
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record and that this application is now in condition for allowance. Such action is respectfully requested.

Respectfully submitted by,

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